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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,029	12/04/2001	Robert Sesek	10016963-1	8719

22879 7590 08/23/2006

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EXAMINER

DURNFORD GESZVAIN, DILLON

ART UNIT PAPER NUMBER

2622

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/000,029	SESEK ET AL.	
	Examiner	Art Unit	
	Dillon Durnford-Geszvain	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-16 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2622.

Response to Amendment

3. Claims **12-16** and **29-36** are pending, claims **12-16** are amended, claims **29-36** are added and claims **1-11, 17, 18** and **19-28** are cancelled.

Allowable Subject Matter

4. The indicated allowability of claims **12** and **14** is withdrawn in view of the newly discovered reference(s) to Mizutani. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **12, 14, 15, 29, 31, 32, 33** and **36** rejected under 35 U.S.C. 102(e) as being anticipated by US Pre-Grant Publication 2002/0036698 (Mizutani).

As to claim **12**, Mizutani teaches a method in a digital camera 100 (see Fig. 3), the method comprising: receiving from a user, an instruction to transfer a selected digital image to a selected destination address (see Fig. 6, especially step S601); establishing a radio frequency communication (Bluetooth, [0020]) with a proximity device 300 (Step S607 of Fig. 6, [0043]); after the radio communication is established, allowing the user to access information stored on the proximity device including an address book and selecting one or more addresses from the address book (see Fig. 7, especially steps S620 and S621, see paragraph [0080]); transmitting the selected digital image and the selected destination address to the proximity device (see Fig. 7 step S625); transmitting transfer instructions to the proximity device causing the proximity device to establish wireless communication with a remote network and to transmit the selected digital image to the selected destination address via the remote network (see Figs. 8 and 9, especially steps S811-S813).

As to claim **32**, see the rejection of claim **12** and note that Mizutani further teaches the method of claim **12**, further including providing a user interface allowing selection of the one or more addresses from the proximity device (see Fig. 7 step S620).

As to claim **33**, see the rejection of claim **12** and note that Mizutani further teaches the method of claim **12** where the radio frequency communication is established according to one of IEEE 802.11 protocol or *Bluetooth protocol* ([0020]).

As to claim **36**, see the rejection of claim **12** and note that Mizutani further teaches the method of claim **12** where the proximity device is a cellular phone (see Fig. 3)

Claims **14**, **15**, **29** and **31** are analogous to claims **12**, **32**, **33** and **36** respectively, but are written in more general terminology and is therefore rejected on the same grounds as claims **12**, **32**, **33** and **36** respectively.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims **13**, **16** and **35** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pre-Grant Publication 2002/0036698 (Mizutani) in view of US 6,750,902 (Steinberg et al.).

As to claim **13**, see the rejection of claim **12** and note that what Mizutani does not teach is automatically deleting images after they have been transferred. However, Steinberg et al. teaches deleting the digital image from the memory of the digital camera 12 after the digital image is transmitted to the proximity device 10 (Column 5 lines 30-73 and Fig. 2). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the step of automatically deleting images

once they have been transferred to the method as discussed in the rejection of claim **12** as this create storage space on the memory of the camera for recording more images

As to claim **16**, see the rejection of claim **14** and note that what Mizutani does not teach is transmitting off-line instructions to the proximity device causing the proximity device to transmit the images after the wireless connection between the camera and proximity device is terminated. However, Steinberg et al. teaches that a proximity device 10 can be programmed to automatically detect if a camera is connected and to load image data from that camera and transmit it at a specified time (see Fig. 14 steps 232 to 240). The camera does not need to be connected when the data is transmitted (Column 11 lines 24-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the ability to transmit data after the camera is no longer connected to the proximity device as taught by Steinberg et al. to the method as taught by Mizutani as this would allow the data to be transmitted at such a time as the proximity device is not in use for some other purpose. It also has the advantage of being done automatically without further intervention of the user (Steinberg Column 3 lines 6-10).

Claim **35** is analogous to claim **16** and is therefore rejected on the same grounds as claim **16**.

Art Unit: 2622

9. Claims **30** and **34** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pre-Grant Publication 2002/0036698 (Mizutani) in view of US Pre-Grant Publication 2001/0022618 (Ward et al.).

As to claim **34**, see the rejection of claim **12** and note that what Mizutani does not teach is that the addresses are email addresses. However, Ward et al. teaches sending images to email addresses via a proximity device (see [0014] line 5 from the bottom). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made have been obvious to include email addresses in the list of addresses stored in the proximity device of Mizutani as this would allow for images to be sent directly to individuals email addresses without having to be first sent to a service center.

Claim **30** is analogous to claim **34** and is therefore rejected on the same grounds as claim **30**.

Conclusion

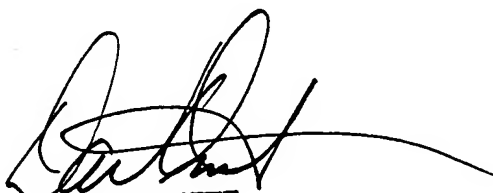
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Durnford-Geszvain

8/14/2006



DAVID OMETZ
SUPERVISORY PATENT EXAMINER